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Western District of New York

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PRESS RELEASE

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United States Attorney Michael A. Battle announced today the return of a four count Indictment charging Steven Kurtz and Robert Ferrell with mail and wire fraud relating to the illegal procurement of two biological materials. According to the Indictment, the defendants intentionally defrauded the University of Pittsburgh and the biological supply company known as American Type Culture Collection (ATCC) two materials, when the defendants obtained the two materials by misrepresenting the end use of the materials, and after knowing that Steven Kurtz was not able to receive the biological materials himself.

William J. Hochul, Jr., Chief of the Office's Anti-terrorism Unit, who will be handling the prosecution of this case, stated that the Indictment identifies Mr. Kurtz as an art professor at the University of Buffalo, and Mr. Ferrell as the head of the Human Genetics Laboratory at the University of Pittsburgh. According to Mr. Hochul, the Indictment describes a number of conversations held between the defendants and others in which the defendants schemed to illegally obtain the biological materials.

Further, according to Mr. Hochul, the two materials, *serratia marcescens* and

bacillus atrophaeus, could only in this case be used by the University of Pittsburgh given the contract with ATCC and the University, and the terms under which the materials were provided to the University of Pittsburgh.

Mr. Battle indicated that this case was an example of following the evidence to where it leads; in this case, to fraud. The tools used in this investigation were the traditional methods of hard work on the part of investigators.

Mr. Battle credited the work of the Buffalo Joint Terrorism Task Force, under the direction of SAC Peter Ahearn. Michael Hickok is the primary investigator for the JTTF in this matter.

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